

Appl. No. 09/931,896
Amdt. dated April 8, 2005
Reply to Office action of November 5, 2004

REMARKS/ARGUMENTS

Claims

Claims 1-22 remain in this application.

Claims 1, 10, 12, 17 and 22 are currently amended.

Claims 2-9, 11, 13-16, 18-21 are as previously presented.

Claims 23 and 24 are new.

No new matter has been added.

Claims Rejections – 35 USC § 102

The Examiner has rejected claims 1-2, 4, 6, 9 and 12-22 under 35 USC 102(e) as being anticipated by Giniger et al. (US 6,199,045). The Applicants highlight the fact that Giniger et al. do not teach a system to create and manage location bookmarks as claimed by the Applicants (emphasis added). In the system of Giniger, the user sends his/her position information to the central server which, in return, sends a menu of information related to the position of the user. The user then selects what information he/she wants. As explained in the application of the Applicants, the system of Giniger is passive in nature since the information provided by the central server is not created by the user of the system. There are no means in Giniger's system to create new location bookmarks. Moreover, even though Giniger teaches that the menu can be adapted to reflect the preferences of the user, nowhere in Giniger's application it is taught or suggested that the information can be modified by the user in a proactive manner.

The Applicants wish to point that the creation of location bookmarks with a user device is a fundamental concept in the Applicants' application. Furthermore, the concept of creation is presented in the preamble of claim 1. Thus, fundamentally, amended claim 1 is not anticipated by Giniger et al. even if some structural elements are similar. The Applicants believe that their invention is patentably distinct from Giniger's.

Appl. No. 09/931,896
Amdt. dated April 8, 2005
Reply to Office action of November 5, 2004

Similarly, the Applicants highlight the fact that the method of amended claim 12 points to the creation and storage of information relating to a location (emphasis added). More precisely, step b) of the method of claim 12 states: “identifying or creating additional data associated to said location” (emphasis added). Nowhere in the disclosure of Giniger is it stated that the user creates additional data related to a location. The user of the system of Giniger can choose what information he/she wants to receive but he/she cannot create additional data. As explained before, the creation of location related data with a user operated device is an important aspect of the present invention. This aspect was not taught by Giniger et al. Thus, the Applicants believe that the method of amended claim 12 and the subsequent claims are novel and patentably distinct from Giniger’s patent.

The Applicants thus traverse the rejection of claims 1, 2, 4, 6, 9 since they relate to claim 1 which the Applicants respectfully believe to be patentably distinct from Giniger’s system. The Applicants further traverse the rejection of claims 12-22 since they relate to claim 12 which the Applicants believe to be patentably distinct from Giniger’s application. In order to emphasise the fact that the location bookmark is created by the user of the device, the Applicants respectfully submit amended claims 1, 12, 17 and 22 which now include this requirement.

Claims Rejections – 35 USC § 103

The Examiner has rejected claims 3 and 10 as being unpatentable over Giniger et al. (US 6,199,045) in view of Kitano et al. (US 5,926,116). The claims are considered obvious according to both patents.

According to the argumentation relating to claim 1 and its related claims, the Applicants must disagree with the Examiner on the obviousness rejection of claims 3 and 10. Since claims 3 and 10 ultimately depend on claim 1 and since claim 1 is believed to be novel and patentably distinct from Giniger et al., it follows that claims 3 and 10 cannot be obvious over Giniger et al. in view of Kitano et al.

Appl. No. 09/931,896
Amdt. dated April 8, 2005
Reply to Office action of November 5, 2004

The Examiner has rejected claims 5, 7-8 and 11 as being unpatentable over Giniger et al. (US 6,199,045) in view of Kitano et al. (US 5,926,116) and in further view of Cambi (US 5,825,283). The claims are considered obvious according to the three patents.

As for claims 3 and 10, the Applicants object that since claims 5, 7-8 and 11 ultimately depend from claim 1 which is believed to be novel and distinctly patentable from Giniger et al., it follows that claims 5, 7-8 and 11 cannot be obvious over Giniger et al. in view of Kitano et al. and Cambi.

The Applicants thus traverse the rejection of claims 3, 5, 7-8, 10 and 11 since they ultimately depend on claim 1 which the Applicants believe to be distinctly patentable from Giniger's system. Moreover, the currently amended claim 1 should clarify the distinction between the Applicants' invention and Giniger et al. invention and remove all objections over Giniger et al.

Considering the above arguments, the Applicants respectfully request that a timely Notice of Allowance be issued in this case for all pending claims.

Respectfully submitted,
BROUILLETTE & PARTNERS
By _____

Robert Brouillette
Reg. No. 31,930
1100 René-Lévesque Boulevard West
Suite 2300
Montréal, Québec, Canada H3B 4N4
Telephone: (514) 397-6900
Fax: (514) 395-8554

(06352-002-US-02)

Attachments: Clean listing of Claims.

P.S. A Petition for an Extension of Time is concurrently filed.